



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5394

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Creates the Securing All Futures for Equitable Reinvestment in Communities Act. Provides legislative intent. Creates the Securing All Futures for Equitable Reinvestment Tax Credit Pilot Program Act. Provides that an applicant that hires certain formerly incarcerated individuals during the incentive period may apply for a tax credit against the applicant's withholding tax liability. Provides that the savings from the changes made to the Unified Code of Corrections shall be deposited into the Securing All Futures for Equitable Reinvestment (SAFER) Communities Fund for the purpose of funding the program. Amends the Unified Code of Corrections to reduce the sentencing ranges for all classes of felonies, and to remove minimum sentences for Class 4 felonies and Class A and Class B misdemeanors. Provides that the provisions of the Act apply to offenses committed before the effective date of this Act, and to offenses committed on or after the effective date of this amendatory Act. Provides for resentencing of currently incarcerated persons based on these changes. Effective immediately.

LRB101 18551 RLC 68005 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the reentry into society of formerly
2 incarcerated persons.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 ARTICLE 1. SHORT TITLE; INTENT

6 Section 1-1. Short title. This Act may be cited as the
7 Securing All Futures for Equitable Reinvestment in Communities
8 Act.

9 Section 1-2. Intent. The intent of the Securing All Futures
10 for Equitable Reinvestment in Communities Act is to facilitate
11 the reentry into society of formerly incarcerated individuals
12 by restructuring criminal sentencing requirements to lower
13 incarceration numbers and repurposing those savings to create
14 financial incentives, in the form of tax credits, for employers
15 who hire individuals with criminal convictions.

16 ARTICLE 5. SECURING ALL FUTURES FOR EQUITABLE REINVESTMENT IN
17 COMMUNITIES TAX CREDIT PILOT PROGRAM

18 Section 5-1. Short title. This Act may be cited as the
19 Securing All Futures for Equitable Reinvestment in Communities
20 Tax Credit Pilot Program Act. References in this Article to

1 "this Act" means this Article.

2 Section 5-5. Findings and purpose. In order to reverse the
3 trend of high unemployment and to help spur the economy to
4 recovery, it is necessary to assist individuals in accessing
5 family supporting, full-time work.

6 Section 5-10. Definitions. In this Act:

7 "Applicant" means a person that is operating a business
8 located within this State that:

9 (1) is engaged in interstate or intrastate commerce;
10 and

11 (2) hires a participant for a position under union
12 contract or for a position that offers a basic wage and
13 benefits package as compensation. In the case of any person
14 that is a member of a unitary business group within the
15 meaning of paragraph (27) in subsection (a) of Section 1501
16 of the Illinois Income Tax Act, "applicant" refers to the
17 unitary business group.

18 "Basic wage" means a minimum of \$20 per hour as
19 compensation.

20 "Benefits package" means the new full-time employee's
21 benefits outside of the employee's basic wage including:

22 (1) a minimum of 5 days of earned sick time

23 (2) a minimum of 5 days of paid vacation; and

24 (3) eligibility for health insurance.

1 "Benefits package" means the participant's benefits
2 outside of the participant's basic wage including earned sick
3 time, paid vacation, and health insurance.

4 "Certificate" means the tax credit certificate issued by
5 the Department under Section 5-45 of this Act.

6 "Certificate of eligibility" means the certificate issued
7 by the Department under Section 5-25 of this Act.

8 "Credit" means the amount awarded by the Department to an
9 applicant by issuance of a certificate under Section 5-30 of
10 this Act for each participant hired.

11 "Department" means the Department of Employment Security.

12 "Director" means the Director of Employment Security.

13 "Full-time employee" means an individual who has a position
14 under union contract or is employed for a basic wage for at
15 least 35 hours each week and receives a benefits package as
16 compensation.

17 "Incentive period" means the period beginning on July 1 and
18 ending on June 30 five years thereafter. The first incentive
19 period shall begin on July 1, 2020 and the last incentive
20 period shall end on June 30, 2025.

21 "Noncompliance date" means, in the case of an applicant
22 that is not complying with the requirements of the provisions
23 of this Act, the day following the last date upon which the
24 taxpayer was in compliance with the requirements of the
25 provisions of this Act, as determined by the Director, pursuant
26 to Section 5-55 of this Act.

1 "Participant" means a full-time employee who:

2 (1) was unemployed or making less than the basic wage
3 referred to in this Section before being hired by an
4 applicant;

5 (2) was formerly incarcerated between January 1, 2009
6 and December 31, 2019;

7 (3) is registered for the pilot program described in
8 Section 5-20; and

9 (4) is subsequently hired during the incentive period
10 by an applicant for a position under union contract or for
11 a position that offers a basic wage and benefits package as
12 compensation.

13 The term "participant" does not include a person who was
14 previously employed in this State by the applicant prior to the
15 onset of the incentive period if:

16 (1) the position was under union contract;

17 (2) the position provided a basic wage and benefits
18 package as compensation; or

19 (3) the participant is a related member of the
20 applicant that has more than 50 total employees.

21 "Professional Employer Organization" (PEO) shall have the
22 same meaning as defined in Section 5-5 of the Economic
23 Development for a Growing Economy Tax Credit Act. As used in
24 this Section, "Professional Employer Organization" does not
25 include a day and temporary labor service agency regulated
26 under the Day and Temporary Labor Services Act.

1 Section 5-15. Powers of the Department. The Department, in
2 addition to those powers granted under the Civil Administrative
3 Code of Illinois, is granted and shall have all the powers
4 necessary or convenient to carry out and effectuate the
5 purposes and provisions of this Act, including, but not limited
6 to, power and authority to:

7 (1) promulgate procedures, rules, or regulations
8 deemed necessary and appropriate for the administration of
9 this Act; establish forms for applications, notifications,
10 contracts, or any other agreements; and accept
11 applications at any time during the year and require that
12 all applications be submitted via the Internet. The
13 Department shall require that applications be submitted in
14 electronic form;

15 (2) provide guidance and assistance to an applicant
16 pursuant to the provisions of this Act, and cooperate with
17 applicants to promote, foster, and support job creation
18 within the State;

19 (3) enter into agreements and memoranda of
20 understanding for participation of and engage in
21 cooperation with agencies of the federal government, units
22 of local government, universities, research foundations or
23 institutions, regional economic development corporations,
24 or other organizations for the purposes of this Act;

25 (4) gather information and conduct inquiries, in the

1 manner and by the methods it deems desirable, including,
2 but not limited to, gathering information with respect to
3 applicants for the purpose of making any designations or
4 certifications necessary or desirable or to gather
5 information in furtherance of the purposes of this Act;

6 (5) establish, negotiate, and effectuate any term,
7 agreement, or other document with any person necessary or
8 appropriate to accomplish the purposes of this Act; and
9 consent, subject to the provisions of any agreement with
10 another party, to the modification or restructuring of any
11 agreement to which the Department is a party;

12 (6) provide for sufficient personnel to permit
13 administration, staffing, operation, and related support
14 required to adequately discharge its duties and
15 responsibilities described in this Act from funds made
16 available through charges to applicants or from funds as
17 may be appropriated by the General Assembly for the
18 administration of this Act;

19 (7) require applicants, upon written request, to issue
20 any necessary authorization to the appropriate federal,
21 State, or local authority or any other person for the
22 release to the Department of information requested by the
23 Department, with the information requested to include, but
24 not limited to, financial reports, returns, or records
25 relating to the applicant or to the amount of credit
26 allowable under this Act;

1 (8) require that an applicant shall, at all times, keep
2 proper books of record and account in accordance with
3 generally accepted accounting principles consistently
4 applied with the books, records, or papers related to the
5 agreement in the custody or control of the applicant open
6 for reasonable Department inspection and audits, and
7 including, but not limited to, the making of copies of the
8 books, records, or papers; and

9 (9) take whatever actions are necessary or appropriate
10 to protect the State's interest in the event of bankruptcy,
11 default, foreclosure, or noncompliance with the terms and
12 conditions of financial assistance or participation
13 required under this Act, including the power to sell,
14 dispose of, lease, or rent, upon terms and conditions
15 determined by the Director to be appropriate, real or
16 personal property that the Department may recover as a
17 result of these actions.

18 Section 5-20. Pilot Program.

19 (a) The tax credit shall only apply to up to 20,000
20 participants for the duration of the incentive period. A
21 maximum of 10,000 participants shall be newly released from
22 prison. A maximum of 10,000 participants shall be released from
23 prison between January 1, 2009 and December 31, 2019.

24 (b) The Department shall maintain a database of all
25 participants for the duration of the incentive period.

1 (1) Eligible individuals shall register as
2 participants with the Department by May 31, 2020.

3 (2) The Department shall verify individuals'
4 eligibility to participate in the program by checking their
5 employment and incarceration history.

6 (3) The Department shall mail a written letter
7 containing a denial or confirmation of the individual's
8 eligibility to participate in the program to the primary
9 address of the individual.

10 (A) The denial letter shall state the reason why
11 the individual is being denied.

12 (B) The confirmation letter shall state the
13 identifying number assigned to the individual.

14 (c) The Department shall maintain a record of the
15 participants and the corresponding applicant.

16 (1) Each applicant shall, on a quarterly basis starting
17 from receipt of the certificate of eligibility for the tax
18 credit, submit an annual report of employment of
19 participants to remain in good standing to receive the tax
20 credit.

21 (2) The reports shall be submitted in the form and
22 manner required by the Department.

23 Section 5-25. Certificate of eligibility for tax credit.

24 (a) An applicant that hires a participant during the
25 incentive period may apply for a certificate of eligibility for

1 the credit with respect to that position on or after the date
2 of hire of the participant. The date of hire shall be the first
3 day on which the participant begins providing services under a
4 union contract or for a basic wage and benefits package as
5 compensation.

6 (b) An applicant may apply for a certificate of eligibility
7 for the credit for more than one participant on or after the
8 date of hire of each qualifying participant.

9 (c) After receipt of an application under this Section, the
10 Department shall issue a certificate of eligibility to the
11 applicant, stating:

12 (1) the date and time on which the application was
13 received by the Department and an identifying number
14 assigned to the applicant by the Department;

15 (2) the maximum amount of the credit the applicant
16 could potentially receive under this Act with respect to
17 the new employees listed on the application; and

18 (3) the maximum amount of the credit potentially
19 allowable on certificates of eligibility issued for
20 applications received prior to the application for which
21 the certificate of eligibility is issued.

22 (d) After the initial certificate of eligibility, the
23 applicant must submit a quarterly report of employment of all
24 participants to the Department. The Department shall review the
25 report and issue an annual certificate of eligibility by April
26 15 of each taxable year to the applicant.

1 Section 5-30. Tax credit.

2 (a) Subject to the conditions set forth in this Act, an
3 applicant is entitled to a credit against payment of taxes
4 withheld under Section 704A of the Illinois Income Tax Act for
5 participants as described in Section 5-20.

6 (b) The credit shall be allowed as a credit to an applicant
7 for each participant hired during the incentive period that
8 results in a net increase in full-time Illinois employees,
9 where the net increase in the employer's full-time Illinois
10 employees is maintained for at least 24 months.

11 (c) The Department shall make credit awards under this Act
12 to further job creation.

13 (d) The credit shall be claimed for the second calendar
14 year ending on or after the date on which the certificate is
15 issued by the Department and each year thereafter during the
16 incentive period as long as the participant's employment with
17 the applicant is maintained.

18 (e) The credit shall not be less than \$10,000 and shall not
19 exceed \$15,000 each year per participant hired.

20 (f) The net increase in full-time Illinois employees,
21 measured on an annual full-time equivalent basis, shall be the
22 total number of full-time Illinois employees of the applicant
23 on the final day of the incentive period, minus the number of
24 full-time Illinois employees employed by the employer on the
25 first day of that same incentive period. For purposes of the

1 calculation, an employer that begins doing business in this
2 State during the incentive period, as determined by the
3 Director, shall be treated as having zero Illinois employees on
4 the first day of the incentive period.

5 (g) The net increase in the number of full-time Illinois
6 employees of the applicant under subsection (e) must be
7 sustained continuously for at least 24 months, starting with
8 the date of hire of a participant during the incentive period.

9 (h) The Department shall promulgate rules to enable an
10 applicant for which a PEO has been contracted to issue W-2s and
11 make payment of taxes withheld under Section 704A of the
12 Illinois Income Tax Act for new employees to retain the benefit
13 of tax credits to which the applicant is otherwise entitled
14 under this Act.

15 Section 5-35. Determination of Amount of the Credit. In
16 determining the amount of the credit that should be awarded,
17 the Department shall take into consideration the following
18 factors:

- 19 (1) the type of service provided;
- 20 (2) the skill-level, education and expertise required
21 to provide the service;
- 22 (3) the benefits package offered by the applicant;
- 23 (4) the amount of training provided by the applicant;
- 24 and
- 25 (5) opportunities for wage increases and promotions.

1 Section 5-40. Maximum amount of credits allowed. To the
2 extent authorized by Section 5-30 of this Act, for taxable
3 years beginning on or after January 1, 2020 and December 31,
4 2025, the Department shall limit the monetary amount of credits
5 awarded under this Act to no more than \$1,500,000,000. If
6 applications for a greater amount are received, credits shall
7 be allowed on a first-come-first-served basis, based on the
8 date on which each properly completed application for a
9 certificate of eligibility is received by the Department. If
10 more than one certificate of eligibility is received on the
11 same day, the credits will be awarded based on the time of
12 submission for that particular day.

13 Section 5-45. Application for award of tax credit; tax
14 credit certificate.

15 (a) On or after the conclusion of the 24-month period after
16 a participant has been hired, an applicant shall file with the
17 Department an application for award of a credit. The
18 application shall include the following:

19 (1) the names, social security numbers, job
20 descriptions, salary or wage rates, and dates of hire of
21 the participants with respect to whom the credit is being
22 requested, and whether each participant is registered in
23 the pilot program described in Section 5-20;

24 (2) a certification that each participant listed has

1 been retained on the job for 24 months from the date of
2 hire;

3 (3) the number of participants hired by the applicant
4 during the incentive period;

5 (4) the net increase in the number of full-time
6 Illinois employees of the applicant, including the
7 participants listed in the request, between the beginning
8 of the incentive period and the dates on which the
9 participants listed in the request were hired;

10 (5) an agreement that the Director is authorized to
11 verify with the appropriate State agencies the information
12 contained in the request before issuing a certificate to
13 the applicant; and

14 (6) any other information the Department determines to
15 be appropriate.

16 (b) Although an application may be filed at any time after
17 the conclusion of the 24-month period, an application filed
18 more than 90 days after the earliest date on which it could
19 have been filed shall not be awarded any credit if, prior to
20 the date it is filed, the Department has received applications
21 under this Section for credits totaling more than
22 \$1,500,000,000.

23 (c) The Department shall issue a certificate to each
24 applicant awarded a credit under this Act. The certificate
25 shall include the following:

26 (1) the name and taxpayer identification number of the

1 applicant;

2 (2) the date on which the certificate is issued;

3 (3) the credit amount that will be allowed; and

4 (4) any other information the Department determines to

5 be appropriate.

6 Section 5-50. Submission of tax credit certificate to

7 Department of Revenue. An applicant claiming a credit under

8 this Act shall submit to the Department of Revenue a copy of

9 each certificate issued under Section 5-45 of this Act with the

10 first return for which the credit shown on the certificate is

11 claimed. Failure to submit a copy of the certificate with the

12 applicant's return shall not invalidate a claim for a credit.

13 Section 5-55. Noncompliance.

14 (a) If the Director determines that an applicant who has

15 received a credit under this Act is not complying with the

16 requirements of the provisions of this Act, the Director shall

17 provide notice to the applicant of the alleged noncompliance,

18 and allow the applicant a hearing under the provisions of the

19 Illinois Administrative Procedure Act.

20 (b) If, after such notice and any hearing, the Director

21 determines that noncompliance exists, the Director shall issue

22 to the Department of Revenue notice to that effect stating the

23 noncompliance date.

24 (c) The Director shall not find that noncompliance exists

1 under the following circumstances:

2 (1) The participant terminated employment on their own
3 volition.

4 (2) The applicant terminated the participant's
5 employment after the probationary period for misconduct
6 such as:

7 (A) Falsification of employment application;

8 (B) Failure to maintain the license needed for the
9 job;

10 (C) Violating the attendance policy of the
11 applicant;

12 (D) Damaging the applicant's property through
13 conduct that is grossly negligent;

14 (E) Refusal to obey the applicant's reasonable and
15 lawful instruction, unless refusal is due to the lack
16 of ability, skills, or training for the individual
17 required to perform the instruction;

18 (F) Knowingly consuming alcohol or illegal or
19 non-prescribed prescription drugs or using an
20 impairing substance in an off-label manner on the
21 applicant's premises during work hours;

22 (G) Reporting to work under the influence of
23 alcohol, illegal or non-prescribed prescription drugs
24 in violation of the applicant's policies; and

25 (H) The participant's grossly negligent conduct
26 endangering the safety of the participant or

1 co-workers.

2 Section 5-60. Rules.

3 The Department may adopt rules necessary to implement this
4 Act. The rules may provide for recipients of credits under this
5 Act to be charged fees to cover administrative costs of the tax
6 credit program.

7 Section 5-65. Savings from sentencing reform.

8 (a) On or before July 31, 2021, and on or before July 31 of
9 each fiscal year thereafter, the Illinois Sentencing Policy
10 Advisory Council shall calculate the savings that accrued to
11 the State during the fiscal year ending June 30, 2021, as
12 compared to the fiscal year ending June 30, 2020, due to
13 changes made by this amendatory Act of the 101st General
14 Assembly to the Unified Code of Corrections under Article 10 of
15 this amendatory Act of the 101st General Assembly. The savings
16 calculation shall be solely based on:

17 (1) the number of persons incarcerated in a Department
18 of Corrections facility during the fiscal year ending June
19 30, 2020 whose sentences were affected by Article 10 of
20 this amendatory Act of the 101st General Assembly;

21 (2) the average length of stay in Department of
22 Corrections facilities for these offenses prior to the
23 changes made by Article 10 of this amendatory Act of the
24 101st General Assembly;

1 (3) the marginal cost per inmate per year; and

2 (4) any reduction in fixed costs, overhead costs, or
3 administrative costs due to the closing of a Department of
4 Corrections facility, or portion of a Department of
5 Corrections facility, as a result of Article 10 of this
6 amendatory Act of the 101st General Assembly.

7 In making the calculations required by this subsection (a),
8 the Illinois Sentencing Policy Advisory Council shall use
9 actual data or best available estimates where actual data is
10 not available. The calculations shall be final and shall not be
11 adjusted for any subsequent changes in the underlying data. The
12 State Comptroller shall certify the results of the calculation
13 no later than August 15 of each fiscal year.

14 (b) On or before August 31, 2021, and before August 31 of
15 each fiscal year thereafter, the Comptroller shall transfer
16 from the General Revenue Fund to the Securing All Futures for
17 Equitable Reinvestment in Communities Fund the total savings
18 calculated under subsection (a).

19 (c) Funds in the Securing All Futures for Equitable
20 Reinvestment in Communities Fund shall be continuously
21 appropriated for the purposes of this Act.

22 Section 5-900. The Illinois Income Tax Act is amended by
23 changing Section 704A as follows:

24 (35 ILCS 5/704A)

1 Sec. 704A. Employer's return and payment of tax withheld.

2 (a) In general, every employer who deducts and withholds or
3 is required to deduct and withhold tax under this Act on or
4 after January 1, 2008 shall make those payments and returns as
5 provided in this Section.

6 (b) Returns. Every employer shall, in the form and manner
7 required by the Department, make returns with respect to taxes
8 withheld or required to be withheld under this Article 7 for
9 each quarter beginning on or after January 1, 2008, on or
10 before the last day of the first month following the close of
11 that quarter.

12 (c) Payments. With respect to amounts withheld or required
13 to be withheld on or after January 1, 2008:

14 (1) Semi-weekly payments. For each calendar year, each
15 employer who withheld or was required to withhold more than
16 \$12,000 during the one-year period ending on June 30 of the
17 immediately preceding calendar year, payment must be made:

18 (A) on or before each Friday of the calendar year,
19 for taxes withheld or required to be withheld on the
20 immediately preceding Saturday, Sunday, Monday, or
21 Tuesday;

22 (B) on or before each Wednesday of the calendar
23 year, for taxes withheld or required to be withheld on
24 the immediately preceding Wednesday, Thursday, or
25 Friday.

26 Beginning with calendar year 2011, payments made under

1 this paragraph (1) of subsection (c) must be made by
2 electronic funds transfer.

3 (2) Semi-weekly payments. Any employer who withholds
4 or is required to withhold more than \$12,000 in any quarter
5 of a calendar year is required to make payments on the
6 dates set forth under item (1) of this subsection (c) for
7 each remaining quarter of that calendar year and for the
8 subsequent calendar year.

9 (3) Monthly payments. Each employer, other than an
10 employer described in items (1) or (2) of this subsection,
11 shall pay to the Department, on or before the 15th day of
12 each month the taxes withheld or required to be withheld
13 during the immediately preceding month.

14 (4) Payments with returns. Each employer shall pay to
15 the Department, on or before the due date for each return
16 required to be filed under this Section, any tax withheld
17 or required to be withheld during the period for which the
18 return is due and not previously paid to the Department.

19 (d) Regulatory authority. The Department may, by rule:

20 (1) Permit employers, in lieu of the requirements of
21 subsections (b) and (c), to file annual returns due on or
22 before January 31 of the year for taxes withheld or
23 required to be withheld during the previous calendar year
24 and, if the aggregate amounts required to be withheld by
25 the employer under this Article 7 (other than amounts
26 required to be withheld under Section 709.5) do not exceed

1 \$1,000 for the previous calendar year, to pay the taxes
2 required to be shown on each such return no later than the
3 due date for such return.

4 (2) Provide that any payment required to be made under
5 subsection (c)(1) or (c)(2) is deemed to be timely to the
6 extent paid by electronic funds transfer on or before the
7 due date for deposit of federal income taxes withheld from,
8 or federal employment taxes due with respect to, the wages
9 from which the Illinois taxes were withheld.

10 (3) Designate one or more depositories to which payment
11 of taxes required to be withheld under this Article 7 must
12 be paid by some or all employers.

13 (4) Increase the threshold dollar amounts at which
14 employers are required to make semi-weekly payments under
15 subsection (c)(1) or (c)(2).

16 (e) Annual return and payment. Every employer who deducts
17 and withholds or is required to deduct and withhold tax from a
18 person engaged in domestic service employment, as that term is
19 defined in Section 3510 of the Internal Revenue Code, may
20 comply with the requirements of this Section with respect to
21 such employees by filing an annual return and paying the taxes
22 required to be deducted and withheld on or before the 15th day
23 of the fourth month following the close of the employer's
24 taxable year. The Department may allow the employer's return to
25 be submitted with the employer's individual income tax return
26 or to be submitted with a return due from the employer under

1 Section 1400.2 of the Unemployment Insurance Act.

2 (f) Magnetic media and electronic filing. With respect to
3 taxes withheld in calendar years prior to 2017, any W-2 Form
4 that, under the Internal Revenue Code and regulations
5 promulgated thereunder, is required to be submitted to the
6 Internal Revenue Service on magnetic media or electronically
7 must also be submitted to the Department on magnetic media or
8 electronically for Illinois purposes, if required by the
9 Department.

10 With respect to taxes withheld in 2017 and subsequent
11 calendar years, the Department may, by rule, require that any
12 return (including any amended return) under this Section and
13 any W-2 Form that is required to be submitted to the Department
14 must be submitted on magnetic media or electronically.

15 The due date for submitting W-2 Forms shall be as
16 prescribed by the Department by rule.

17 (g) For amounts deducted or withheld after December 31,
18 2009, a taxpayer who makes an election under subsection (f) of
19 Section 5-15 of the Economic Development for a Growing Economy
20 Tax Credit Act for a taxable year shall be allowed a credit
21 against payments due under this Section for amounts withheld
22 during the first calendar year beginning after the end of that
23 taxable year equal to the amount of the credit for the
24 incremental income tax attributable to full-time employees of
25 the taxpayer awarded to the taxpayer by the Department of
26 Commerce and Economic Opportunity under the Economic

1 Development for a Growing Economy Tax Credit Act for the
2 taxable year and credits not previously claimed and allowed to
3 be carried forward under Section 211(4) of this Act as provided
4 in subsection (f) of Section 5-15 of the Economic Development
5 for a Growing Economy Tax Credit Act. The credit or credits may
6 not reduce the taxpayer's obligation for any payment due under
7 this Section to less than zero. If the amount of the credit or
8 credits exceeds the total payments due under this Section with
9 respect to amounts withheld during the calendar year, the
10 excess may be carried forward and applied against the
11 taxpayer's liability under this Section in the succeeding
12 calendar years as allowed to be carried forward under paragraph
13 (4) of Section 211 of this Act. The credit or credits shall be
14 applied to the earliest year for which there is a tax
15 liability. If there are credits from more than one taxable year
16 that are available to offset a liability, the earlier credit
17 shall be applied first. Each employer who deducts and withholds
18 or is required to deduct and withhold tax under this Act and
19 who retains income tax withholdings under subsection (f) of
20 Section 5-15 of the Economic Development for a Growing Economy
21 Tax Credit Act must make a return with respect to such taxes
22 and retained amounts in the form and manner that the
23 Department, by rule, requires and pay to the Department or to a
24 depository designated by the Department those withheld taxes
25 not retained by the taxpayer. For purposes of this subsection
26 (g), the term taxpayer shall include taxpayer and members of

1 the taxpayer's unitary business group as defined under
2 paragraph (27) of subsection (a) of Section 1501 of this Act.
3 This Section is exempt from the provisions of Section 250 of
4 this Act. No credit awarded under the Economic Development for
5 a Growing Economy Tax Credit Act for agreements entered into on
6 or after January 1, 2015 may be credited against payments due
7 under this Section.

8 (h) An employer may claim a credit against payments due
9 under this Section for amounts withheld during the first
10 calendar year ending after the date on which a tax credit
11 certificate was issued under Section 35 of the Small Business
12 Job Creation Tax Credit Act. The credit shall be equal to the
13 amount shown on the certificate, but may not reduce the
14 taxpayer's obligation for any payment due under this Section to
15 less than zero. If the amount of the credit exceeds the total
16 payments due under this Section with respect to amounts
17 withheld during the calendar year, the excess may be carried
18 forward and applied against the taxpayer's liability under this
19 Section in the 5 succeeding calendar years. The credit shall be
20 applied to the earliest year for which there is a tax
21 liability. If there are credits from more than one calendar
22 year that are available to offset a liability, the earlier
23 credit shall be applied first. This Section is exempt from the
24 provisions of Section 250 of this Act.

25 (i) Each employer with 50 or fewer full-time equivalent
26 employees during the reporting period may claim a credit

1 against the payments due under this Section for each qualified
2 employee in an amount equal to the maximum credit allowable.
3 The credit may be taken against payments due for reporting
4 periods that begin on or after January 1, 2020, and end on or
5 before December 31, 2027. An employer may not claim a credit
6 for an employee who has worked fewer than 90 consecutive days
7 immediately preceding the reporting period; however, such
8 credits may accrue during that 90-day period and be claimed
9 against payments under this Section for future reporting
10 periods after the employee has worked for the employer at least
11 90 consecutive days. In no event may the credit exceed the
12 employer's liability for the reporting period. Each employer
13 who deducts and withholds or is required to deduct and withhold
14 tax under this Act and who retains income tax withholdings
15 under this subsection must make a return with respect to such
16 taxes and retained amounts in the form and manner that the
17 Department, by rule, requires and pay to the Department or to a
18 depository designated by the Department those withheld taxes
19 not retained by the employer.

20 For each reporting period, the employer may not claim a
21 credit or credits for more employees than the number of
22 employees making less than the minimum or reduced wage for the
23 current calendar year during the last reporting period of the
24 preceding calendar year. Notwithstanding any other provision
25 of this subsection, an employer shall not be eligible for
26 credits for a reporting period unless the average wage paid by

1 the employer per employee for all employees making less than
2 \$55,000 during the reporting period is greater than the average
3 wage paid by the employer per employee for all employees making
4 less than \$55,000 during the same reporting period of the prior
5 calendar year.

6 For purposes of this subsection (i):

7 "Compensation paid in Illinois" has the meaning ascribed to
8 that term under Section 304(a)(2)(B) of this Act.

9 "Employer" and "employee" have the meaning ascribed to
10 those terms in the Minimum Wage Law, except that "employee"
11 also includes employees who work for an employer with fewer
12 than 4 employees. Employers that operate more than one
13 establishment pursuant to a franchise agreement or that
14 constitute members of a unitary business group shall aggregate
15 their employees for purposes of determining eligibility for the
16 credit.

17 "Full-time equivalent employees" means the ratio of the
18 number of paid hours during the reporting period and the number
19 of working hours in that period.

20 "Maximum credit" means the percentage listed below of the
21 difference between the amount of compensation paid in Illinois
22 to employees who are paid not more than the required minimum
23 wage reduced by the amount of compensation paid in Illinois to
24 employees who were paid less than the current required minimum
25 wage during the reporting period prior to each increase in the
26 required minimum wage on January 1. If an employer pays an

1 employee more than the required minimum wage and that employee
2 previously earned less than the required minimum wage, the
3 employer may include the portion that does not exceed the
4 required minimum wage as compensation paid in Illinois to
5 employees who are paid not more than the required minimum wage.

6 (1) 25% for reporting periods beginning on or after
7 January 1, 2020 and ending on or before December 31, 2020;

8 (2) 21% for reporting periods beginning on or after
9 January 1, 2021 and ending on or before December 31, 2021;

10 (3) 17% for reporting periods beginning on or after
11 January 1, 2022 and ending on or before December 31, 2022;

12 (4) 13% for reporting periods beginning on or after
13 January 1, 2023 and ending on or before December 31, 2023;

14 (5) 9% for reporting periods beginning on or after
15 January 1, 2024 and ending on or before December 31, 2024;

16 (6) 5% for reporting periods beginning on or after
17 January 1, 2025 and ending on or before December 31, 2025.

18 The amount computed under this subsection may continue to
19 be claimed for reporting periods beginning on or after January
20 1, 2026 and:

21 (A) ending on or before December 31, 2026 for employers
22 with more than 5 employees; or

23 (B) ending on or before December 31, 2027 for employers
24 with no more than 5 employees.

25 "Qualified employee" means an employee who is paid not more
26 than the required minimum wage and has an average wage paid per

1 hour by the employer during the reporting period equal to or
2 greater than his or her average wage paid per hour by the
3 employer during each reporting period for the immediately
4 preceding 12 months. A new qualified employee is deemed to have
5 earned the required minimum wage in the preceding reporting
6 period.

7 "Reporting period" means the quarter for which a return is
8 required to be filed under subsection (b) of this Section.

9 Each employer who qualifies for a credit under the Securing
10 All Futures for Equitable Reinvestment in Communities Tax
11 Credit Pilot Program Act may claim a credit against the
12 payments due under this Section as provided in that Act.

13 (Source: P.A. 100-303, eff. 8-24-17; 100-511, eff. 9-18-17;
14 100-863, eff. 8-14-18; 101-1, eff. 2-19-19.)

15 Section 5-905. The State Finance Act is amended by adding
16 Section 5.930 as follows:

17 (30 ILCS 105/5.930 new)

18 Sec. 5.930. The Securing All Futures for Equitable
19 Reinvestment in Communities Fund.

20 ARTICLE 10. SENTENCING REFORM

21 Section 10-50. The Unified Code of Corrections is amended
22 by changing Sections 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,

1 5-4.5-45, 5-4.5-50, 5-4.5-85, and 5-4.5-95 and by adding
2 Section 5-4.5-120 as follows:

3 (730 ILCS 5/5-4.5-25)

4 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
5 felony:

6 (a) TERM. The sentence of imprisonment shall be a
7 determinate sentence, subject to Section 5-4.5-115 of this
8 Code, of not less than 4 years and not more than 15 years ~~6~~
9 ~~years and not more than 30 years. The sentence of imprisonment~~
10 ~~for an extended term Class X felony, as provided in Section~~
11 ~~5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this~~
12 ~~Code, shall be not less than 30 years and not more than 60~~
13 ~~years.~~

14 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
15 shall not be imposed.

16 (c) IMPACT INCARCERATION. The impact incarceration program
17 or the county impact incarceration program is not an authorized
18 disposition.

19 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
20 probation or conditional discharge may ~~shall not~~ be imposed.

21 (e) FINE. Fines may be imposed as provided in Section
22 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall

1 be concurrent or consecutive as provided in Section 5-8-4 (730
2 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

3 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
4 Act (730 ILCS 166/20) concerning eligibility for a drug court
5 program.

6 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
7 ILCS 5/5-4.5-100) concerning no credit for time spent in home
8 detention prior to judgment.

9 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
10 for rules and regulations for sentence credit.

11 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
12 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
13 electronic monitoring and home detention.

14 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
15 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
16 5/5-8-1), the parole or mandatory supervised release term shall
17 be 3 years upon release from imprisonment.

18 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
19 101-288, eff. 1-1-20.)

20 (730 ILCS 5/5-4.5-30)

21 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
22 felony:

23 (a) TERM. The sentence of imprisonment, other than for
24 second degree murder, shall be a determinate sentence of not
25 less than 3 years and not more than 7 years ~~4 years and not more~~

1 ~~than 15 years~~, subject to Section 5-4.5-115 of this Code. The
2 sentence of imprisonment for second degree murder shall be a
3 determinate sentence of not less than 3 years and not more than
4 15 years ~~4 years and not more than 20 years~~, subject to Section
5 5-4.5-115 of this Code. ~~The sentence of imprisonment for an~~
6 ~~extended term Class 1 felony, as provided in Section 5-8-2 (730~~
7 ~~ILCS 5/5-8-2), subject to Section 5-4.5-115 of this Code, shall~~
8 ~~be a term not less than 15 years and not more than 30 years.~~

9 (b) PERIODIC IMPRISONMENT. A sentence of periodic
10 imprisonment shall be for a definite term of from 3 to 4 years,
11 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
12 ILCS 5/5-5-3 or 5/5-7-1).

13 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
14 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
15 the impact incarceration program or the county impact
16 incarceration program.

17 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
18 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
19 period of probation or conditional discharge shall not exceed 4
20 years. The court shall specify the conditions of probation or
21 conditional discharge as set forth in Section 5-6-3 (730 ILCS
22 5/5-6-3). In no case shall an offender be eligible for a
23 disposition of probation or conditional discharge for a Class 1
24 felony committed while he or she was serving a term of
25 probation or conditional discharge for a felony.

26 (e) FINE. Fines may be imposed as provided in Section

1 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

2 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
3 concerning restitution.

4 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
5 be concurrent or consecutive as provided in Section 5-8-4 (730
6 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

7 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
8 Act (730 ILCS 166/20) concerning eligibility for a drug court
9 program.

10 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
11 ILCS 5/5-4.5-100) concerning credit for time spent in home
12 detention prior to judgment.

13 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
14 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
15 (730 ILCS 130/) for rules and regulations for sentence credit.

16 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
17 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
18 electronic monitoring and home detention.

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
20 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
21 5/5-8-1), the parole or mandatory supervised release term shall
22 be 2 years upon release from imprisonment.

23 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
24 101-288, eff. 1-1-20.)

25 (730 ILCS 5/5-4.5-35)

1 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
2 felony:

3 (a) TERM. The sentence of imprisonment shall be a
4 determinate sentence of not less than 2 years and not more than
5 5 years ~~3 years and not more than 7 years. The sentence of~~
6 ~~imprisonment for an extended term Class 2 felony, as provided~~
7 ~~in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less~~
8 ~~than 7 years and not more than 14 years.~~

9 (b) PERIODIC IMPRISONMENT. A sentence of periodic
10 imprisonment shall be for a definite term of from 18 to 30
11 months, except as otherwise provided in Section 5-5-3 or 5-7-1
12 (730 ILCS 5/5-5-3 or 5/5-7-1).

13 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
14 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
15 the impact incarceration program or the county impact
16 incarceration program.

17 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
18 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
19 period of probation or conditional discharge shall not exceed 4
20 years. The court shall specify the conditions of probation or
21 conditional discharge as set forth in Section 5-6-3 (730 ILCS
22 5/5-6-3).

23 (e) FINE. Fines may be imposed as provided in Section
24 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

25 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
26 concerning restitution.

1 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
2 be concurrent or consecutive as provided in Section 5-8-4 (730
3 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

4 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
5 Act (730 ILCS 166/20) concerning eligibility for a drug court
6 program.

7 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
8 ILCS 5/5-4.5-100) concerning credit for time spent in home
9 detention prior to judgment.

10 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
11 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
12 (730 ILCS 130/) for rules and regulations for sentence credit.

13 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
14 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
15 electronic monitoring and home detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
17 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
18 5/5-8-1), the parole or mandatory supervised release term shall
19 be 2 years upon release from imprisonment.

20 (Source: P.A. 100-431, eff. 8-25-17.)

21 (730 ILCS 5/5-4.5-40)

22 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
23 felony:

24 (a) TERM. The sentence of imprisonment shall be a
25 determinate sentence of not less than 1 years and not more than

1 ~~4 years 2 years and not more than 5 years. The sentence of~~
2 ~~imprisonment for an extended term Class 3 felony, as provided~~
3 ~~in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less~~
4 ~~than 5 years and not more than 10 years.~~

5 (b) PERIODIC IMPRISONMENT. A sentence of periodic
6 imprisonment shall be for a definite term of up to 18 months,
7 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
8 ILCS 5/5-5-3 or 5/5-7-1).

9 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
10 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
11 the impact incarceration program or the county impact
12 incarceration program.

13 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
14 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
15 period of probation or conditional discharge shall not exceed
16 30 months. The court shall specify the conditions of probation
17 or conditional discharge as set forth in Section 5-6-3 (730
18 ILCS 5/5-6-3).

19 (e) FINE. Fines may be imposed as provided in Section
20 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

26 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court
2 program.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
4 ILCS 5/5-4.5-100) concerning credit for time spent in home
5 detention prior to judgment.

6 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
7 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
8 (730 ILCS 130/) for rules and regulations for sentence credit.

9 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
10 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
11 electronic monitoring and home detention.

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
13 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
14 5/5-8-1), the parole or mandatory supervised release term shall
15 be one year upon release from imprisonment.

16 (Source: P.A. 100-431, eff. 8-25-17.)

17 (730 ILCS 5/5-4.5-45)

18 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
19 felony:

20 ~~(a) TERM. The sentence of imprisonment shall be a~~
21 ~~determinate sentence of not less than one year and not more~~
22 ~~than 3 years. The sentence of imprisonment for an extended term~~
23 ~~Class 4 felony, as provided in Section 5-8-2 (730 ILCS~~
24 ~~5/5-8-2), shall be a term not less than 3 years and not more~~
25 ~~than 6 years.~~

1 (b) PERIODIC IMPRISONMENT. A sentence of periodic
2 imprisonment shall be for a definite term of up to 18 months,
3 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
4 ILCS 5/5-5-3 or 5/5-7-1).

5 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
6 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
7 the impact incarceration program or the county impact
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
11 period of probation or conditional discharge shall not exceed
12 30 months. The court shall specify the conditions of probation
13 or conditional discharge as set forth in Section 5-6-3 (730
14 ILCS 5/5-6-3).

15 (e) FINE. Fines may be imposed as provided in Section
16 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

17 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
18 concerning restitution.

19 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
20 be concurrent or consecutive as provided in Section 5-8-4 (730
21 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

22 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
23 Act (730 ILCS 166/20) concerning eligibility for a drug court
24 program.

25 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
26 ILCS 5/5-4.5-100) concerning credit for time spent in home

1 detention prior to judgment.

2 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
3 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
4 (730 ILCS 130/) for rules and regulations for sentence credit.

5 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
6 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
7 electronic monitoring and home detention.

8 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
9 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
10 5/5-8-1), the parole or mandatory supervised release term shall
11 be one year upon release from imprisonment.

12 (Source: P.A. 100-431, eff. 8-25-17.)

13 (730 ILCS 5/5-4.5-50)

14 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
15 as otherwise provided, for all felonies:

16 (a) NO SUPERVISION. The court, upon a plea of guilty or a
17 stipulation by the defendant of the facts supporting the charge
18 or a finding of guilt, may not defer further proceedings and
19 the imposition of a sentence and may not enter an order for
20 supervision of the defendant.

21 (b) FELONY FINES. Unless otherwise specified by law, the
22 minimum fine is \$75. An offender may be sentenced to pay a fine
23 not to exceed, for each offense, \$25,000 or the amount
24 specified in the offense, whichever is greater, or if the
25 offender is a corporation, \$50,000 or the amount specified in

1 the offense, whichever is greater. A fine may be imposed in
2 addition to a sentence of conditional discharge, probation,
3 periodic imprisonment, or imprisonment. See Article 9 of
4 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
5 additional amounts and determination of amounts and payment. If
6 the court finds that the fine would impose an undue burden on
7 the victim, the court may reduce or waive the fine. The court
8 shall consider the offender's financial circumstances and
9 ability to pay before and after imprisonment before assessing
10 any fine.

11 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
12 each felony conviction shall set forth his or her reasons for
13 imposing the particular sentence entered in the case, as
14 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
15 include any mitigating or aggravating factors specified in this
16 Code, or the lack of any such factors, as well as any other
17 mitigating or aggravating factors that the judge sets forth on
18 the record that are consistent with the purposes and principles
19 of sentencing set out in this Code.

20 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
21 sentence may be made, or the court may reduce a sentence
22 without motion, within 30 days after the sentence is imposed. A
23 defendant's challenge to the correctness of a sentence or to
24 any aspect of the sentencing hearing shall be made by a written
25 motion filed with the circuit court clerk within 30 days
26 following the imposition of sentence. A motion not filed within

1 that 30-day period is not timely. The court may not increase a
2 sentence once it is imposed. A notice of motion must be filed
3 with the motion. The notice of motion shall set the motion on
4 the court's calendar on a date certain within a reasonable time
5 after the date of filing.

6 If a motion filed pursuant to this subsection is timely
7 filed, the proponent of the motion shall exercise due diligence
8 in seeking a determination on the motion and the court shall
9 thereafter decide the motion within a reasonable time.

10 If a motion filed pursuant to this subsection is timely
11 filed, then for purposes of perfecting an appeal, a final
12 judgment is not considered to have been entered until the
13 motion to reduce the sentence has been decided by order entered
14 by the trial court.

15 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
16 OTHER-STATE SENTENCE. A defendant who has a previous and
17 unexpired sentence of imprisonment imposed by another state or
18 by any district court of the United States and who, after
19 sentence for a crime in Illinois, must return to serve the
20 unexpired prior sentence may have his or her sentence by the
21 Illinois court ordered to be concurrent with the prior
22 other-state or federal sentence. The court may order that any
23 time served on the unexpired portion of the other-state or
24 federal sentence, prior to his or her return to Illinois, shall
25 be credited on his or her Illinois sentence. The appropriate
26 official of the other state or the United States shall be

1 furnished with a copy of the order imposing sentence, which
2 shall provide that, when the offender is released from
3 other-state or federal confinement, whether by parole or by
4 termination of sentence, the offender shall be transferred by
5 the Sheriff of the committing Illinois county to the Illinois
6 Department of Corrections. The court shall cause the Department
7 of Corrections to be notified of the sentence at the time of
8 commitment and to be provided with copies of all records
9 regarding the sentence.

10 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
11 defendant who has a previous and unexpired sentence of
12 imprisonment imposed by an Illinois circuit court for a crime
13 in this State and who is subsequently sentenced to a term of
14 imprisonment by another state or by any district court of the
15 United States and who has served a term of imprisonment imposed
16 by the other state or district court of the United States, and
17 must return to serve the unexpired prior sentence imposed by
18 the Illinois circuit court, may apply to the Illinois circuit
19 court that imposed sentence to have his or her sentence
20 reduced.

21 The circuit court may order that any time served on the
22 sentence imposed by the other state or district court of the
23 United States be credited on his or her Illinois sentence. The
24 application for reduction of a sentence under this subsection
25 shall be made within 30 days after the defendant has completed
26 the sentence imposed by the other state or district court of

1 the United States.

2 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
3 sentence or disposition that requires the defendant to be
4 implanted or injected with or to use any form of birth control.
5 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

6 (730 ILCS 5/5-4.5-85)

7 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

8 (a) FELONY. The particular classification of each felony is
9 specified in the law defining the felony. Any unclassified
10 offense that is declared by law to be a felony or that provides
11 a sentence to a term of imprisonment for one year or more is a
12 Class 4 felony.

13 (b) MISDEMEANOR. The particular classification of each
14 misdemeanor is specified in the law or ordinance defining the
15 misdemeanor.

16 (1) Any offense not so classified that provides a
17 sentence to a term of imprisonment of less than one year
18 ~~but in excess of 6 months~~ is a Class A misdemeanor.

19 (2) Any offense not so classified that provides a
20 sentence to a term of imprisonment of 6 months or less ~~but~~
21 ~~in excess of 30 days~~ is a Class B misdemeanor.

22 (3) Any offense not so classified that provides a
23 sentence to a term of imprisonment of 30 days or less is a
24 Class C misdemeanor.

25 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense

1 that does not provide for a sentence of imprisonment is a petty
2 offense or a business offense.

3 (Source: P.A. 95-1052, eff. 7-1-09.)

4 (730 ILCS 5/5-4.5-95)

5 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

6 (a) HABITUAL CRIMINALS.

7 (1) Every person who has been twice convicted in any
8 state or federal court of an offense that contains the same
9 elements as an offense now (the date of the offense
10 committed after the 2 prior convictions) classified in
11 Illinois as a Class X felony, criminal sexual assault,
12 aggravated kidnapping, or first degree murder, and who is
13 thereafter convicted of a Class X felony, criminal sexual
14 assault, or first degree murder, committed after the 2
15 prior convictions, shall be adjudged an habitual criminal.

16 (2) The 2 prior convictions need not have been for the
17 same offense.

18 (3) Any convictions that result from or are connected
19 with the same transaction, or result from offenses
20 committed at the same time, shall be counted for the
21 purposes of this Section as one conviction.

22 (4) This Section does not apply unless each of the
23 following requirements are satisfied:

24 (A) The third offense was committed after July 3,
25 1980.

1 (B) The third offense was committed within 20 years
2 of the date that judgment was entered on the first
3 conviction; provided, however, that time spent in
4 custody shall not be counted.

5 (C) The third offense was committed after
6 conviction on the second offense.

7 (D) The second offense was committed after
8 conviction on the first offense.

9 (5) Anyone who, having attained the age of 18 at the
10 time of the third offense, is adjudged an habitual criminal
11 shall be sentenced to a term of natural life imprisonment.

12 (6) A prior conviction shall not be alleged in the
13 indictment, and no evidence or other disclosure of that
14 conviction shall be presented to the court or the jury
15 during the trial of an offense set forth in this Section
16 unless otherwise permitted by the issues properly raised in
17 that trial. After a plea or verdict or finding of guilty
18 and before sentence is imposed, the prosecutor may file
19 with the court a verified written statement signed by the
20 State's Attorney concerning any former conviction of an
21 offense set forth in this Section rendered against the
22 defendant. The court shall then cause the defendant to be
23 brought before it; shall inform the defendant of the
24 allegations of the statement so filed, and of his or her
25 right to a hearing before the court on the issue of that
26 former conviction and of his or her right to counsel at

1 that hearing; and unless the defendant admits such
2 conviction, shall hear and determine the issue, and shall
3 make a written finding thereon. If a sentence has
4 previously been imposed, the court may vacate that sentence
5 and impose a new sentence in accordance with this Section.

6 (7) A duly authenticated copy of the record of any
7 alleged former conviction of an offense set forth in this
8 Section shall be prima facie evidence of that former
9 conviction; and a duly authenticated copy of the record of
10 the defendant's final release or discharge from probation
11 granted, or from sentence and parole supervision (if any)
12 imposed pursuant to that former conviction, shall be prima
13 facie evidence of that release or discharge.

14 (8) Any claim that a previous conviction offered by the
15 prosecution is not a former conviction of an offense set
16 forth in this Section because of the existence of any
17 exceptions described in this Section, is waived unless duly
18 raised at the hearing on that conviction, or unless the
19 prosecution's proof shows the existence of the exceptions
20 described in this Section.

21 (9) If the person so convicted shows to the
22 satisfaction of the court before whom that conviction was
23 had that he or she was released from imprisonment, upon
24 either of the sentences upon a pardon granted for the
25 reason that he or she was innocent, that conviction and
26 sentence shall not be considered under this Section.

1 (b) (Blank). ~~When a defendant, over the age of 21 years, is~~
2 ~~convicted of a Class 1 or Class 2 felony, except for an offense~~
3 ~~listed in subsection (c) of this Section, after having twice~~
4 ~~been convicted in any state or federal court of an offense that~~
5 ~~contains the same elements as an offense now (the date the~~
6 ~~Class 1 or Class 2 felony was committed) classified in Illinois~~
7 ~~as a Class 2 or greater Class felony, except for an offense~~
8 ~~listed in subsection (c) of this Section, and those charges are~~
9 ~~separately brought and tried and arise out of different series~~
10 ~~of acts, that defendant shall be sentenced as a Class X~~
11 ~~offender. This subsection does not apply unless:~~

12 ~~(1) the first felony was committed after February 1,~~
13 ~~1978 (the effective date of Public Act 80-1099);~~

14 ~~(2) the second felony was committed after conviction on~~
15 ~~the first; and~~

16 ~~(3) the third felony was committed after conviction on~~
17 ~~the second.~~

18 (c) (Blank). ~~Subsection (b) of this Section does not apply~~
19 ~~to Class 1 or Class 2 felony convictions for a violation of~~
20 ~~Section 16-1 of the Criminal Code of 2012.~~

21 A person sentenced as a Class X offender under this
22 subsection (b) is not eligible to apply for treatment as a
23 condition of probation as provided by Section 40-10 of the
24 Substance Use Disorder Act (20 ILCS 301/40-10).

25 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
26 eff. 1-1-19.)

1 (730 ILCS 5/5-4.5-120 new)

2 Sec. 5-4.5-120. RESENTENCING. The changes made to this
3 Article apply offenses committed before the effective date of
4 this amendatory Act of the 101st General Assembly, and to
5 offenses committed on or after the effective date of this
6 amendatory Act. A person currently serving a sentence for a
7 conviction, whether by trial or plea, of a felony or felonies
8 who would have been guilty of a misdemeanor or lesser felony
9 classification under this Act had the Act been in effect at the
10 time of the offense may petition the trial court that entered
11 the judgment of conviction in his or her case to request
12 resentencing in accordance with this Act. A person who is
13 resentenced shall be given credit for time served. Under no
14 circumstances may resentencing under this Section result in the
15 imposition of a term longer than the original sentence.

16 ARTICLE 99. EFFECTIVE DATE

17 Section 99-99. Effective date. This Act takes effect upon
18 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 35 ILCS 5/704A

5 30 ILCS 105/5.930 new

6 730 ILCS 5/5-4.5-25

7 730 ILCS 5/5-4.5-30

8 730 ILCS 5/5-4.5-35

9 730 ILCS 5/5-4.5-40

10 730 ILCS 5/5-4.5-45

11 730 ILCS 5/5-4.5-50

12 730 ILCS 5/5-4.5-85

13 730 ILCS 5/5-4.5-95

14 730 ILCS 5/5-4.5-120 new